



Federal Communications Commission
Washington, D.C. 20554

June 25, 2009

DA 09-1412

Michael J. Keane
360 Cherry Avenue
Watertown, CT 06795

Re: Petition for Reconsideration of Dismissal of File No. 0003655911

Dear Mr. Keane:

This letter is in response to the petition for reconsideration of the dismissal of the above-referenced application for vanity call sign K1TTY that you filed on January 13, 2009 on behalf of the Father James P. McCaffrey Memorial Radio Club (the Club). For the reasons discussed herein, we deny the petition.

A call sign assigned to the station of a deceased licensee generally is not available to the vanity call sign system for two years, but Section 97.19(c) of the Commission's Rules provides certain exceptions to the two-year period.¹ One exception allows a club station trustee acting with the written consent of a close relative of a deceased licensee to request the deceased's former call sign *in memoriam*.² In the rulemaking proceeding creating the vanity call sign system³ and the *Public Notices* implementing it,⁴ the Commission stated that a call sign requested pursuant to this exception must be that of a deceased member of the club. In order to be eligible for an amateur club station license, the club must be composed of at least four persons and must have a name, a document of organization, management, and a primary purpose devoted to amateur service activities consistent with Part 97 of the Commission's Rules.⁵

Father James P. McCaffrey held amateur call sign K1TTY until his death on March 7, 2007. On November 20, 2008, the Club applied for a new amateur club station license, and was

¹ 47 C.F.R. § 97.19(c).

² 47 C.F.R. § 97.19(c)(3).

³ See Amendment of the Amateur Service Rules to Implement a Vanity Call Sign System, *Memorandum Opinion and Order*, PR Docket No. 93-305, 10 FCC Rcd 11135, 11137 ¶ 10 (1995) ("we find that priority should also be given to established clubs obtaining the call signs of deceased members"); see also Amendment of Part 97 of the Commission's Rules Governing the Amateur Radio Services, *Report and Order*, WT Docket No. 04-140, 21 FCC Rcd 11643, 11657-58 ¶¶ 29-30 (2006).

⁴ See Amateur Station Vanity Call Sign System Filing Gate 2 Opens September 23, 1996, *Public Notice*, at 3 (rel. Aug. 22, 1996) ("the license of a deceased person who was a member of the club"); Amateur Station Vanity Call Sign System Filing Gate 3 Opens August 6, 1997, *Public Notice*, at 3 (rel. July 3, 1997) (same); Amateur Station Vanity Call Sign System Filing Gate 4 Opens December 2, 1997, *Public Notice*, at 3 (rel. Oct. 30, 1997) (same).

⁵ 47 C.F.R. § 97.5(b)(2).

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authorized under call sign KB1RLY.⁶ The trustee of the Club then filed the above-referenced application requesting K1TTY as an *in memoriam* call sign. This application was dismissed on the grounds that Fr. McCaffrey died before the Club was formed, and therefore could not have been a member of the Club.⁷

In your petition for reconsideration of the dismissal, you state Fr. McCaffrey was a member of “an affinity group (‘club’) of Amateur Radio operators within the larger body of Boston College High School alumni,” and that such “an unincorporated association can[not] be expected to leave a paper trail.”⁸ That Fr. McCaffrey may have been a member of an “affinity group” does not establish that he was a member of the Club. The Club as you describe it at the time of Fr. McCaffrey’s death clearly did not meet the requirements for a club station license grant. This confirms that he was not a club member. Although the Club may subsequently have been formed to satisfy “a dream for many of the Amateur Radio alumni of Boston College (BC) High to once again see an amateur radio society active at our alma mater,”⁹ the reason a licensee requests a particular vanity call sign is not a sufficient basis to grant a call sign that is otherwise unassignable to the licensee’s station.¹⁰

Accordingly, IT IS ORDERED that, pursuant to Sections 4(i) and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 405, and Section 1.106 of the Commission’s Rules, 47 C.F.R. § 1.106, the petition for reconsideration filed by Michael J. Keane on January 13, 2009 IS DENIED.

This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131 and 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau

⁶ FCC File No. 0003655894.

⁷ See Dismissal Letter, Ref. No. 4823077 (Jan. 10, 2009).

⁸ Petition at 1.

⁹ *Id.* at 2.

¹⁰ See, e.g., Jerry D. Janow, *Letter*, 22 FCC Rcd 11546, 11546 (WTB MD 2007) (affirming dismissal of application by Saucer Ridge Amateur Radio Association, Roswell, New Mexico, for call sign NM5UFO, because the call sign was not available to the sequential call sign system, and therefore unavailable to the vanity call sign system).